

REMARKS

By this Amendment, claims 1, 17 and 32 have been amended. Accordingly, claims 1-48 are pending in the present application.

Applicant wishes to thank the Examiner for the courtesy extended to Applicant's attorney during the telephone conference January 10, 2006. During the telephone conference, the present invention, the prior art, and potential claim amendments were discussed, but an agreement on allowance of the claims was not reached at that time.

Claims 1-48 stand rejected under 35 U.S.C. §112, second paragraph. In response, claims 1, 17 and 32 have been amended so as to be in full compliance with all §112 requirements. In particular, claims 1, 17 and 32 have been amended as suggested by the Examiner to clarify that the barrier cuffs and the backsheet extend past lateral edges of the barrier layer and terminate at the lateral edges of the absorbent article. In view of the amendments to claims 1, 17 and 32, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,624,424 to Saisaka et al. in view of U.S. Patent No. 4,904,251 to Igaue et al., U.S. Patent No. 4,743,246 to Lawson and U.S. Patent No. 4,738,677 to Foreman. Applicant respectfully traverses this rejection.

As admitted on page 5 of the Office Action, Saisaka et al. does not teach or suggest that the barrier cuffs and the backsheet extend past the lateral edges of the barrier layer and terminate at the lateral side edges of the absorbent article. The Office

Action contends that there is no criticality to the structure of the absorbent article of Saisaka et al. in this respect, and then relies on the teachings of Igaue et al., Lawson and/or Foreman as showing that the barrier cuff can be turned outward.

Applicant respectfully disagrees and submits that one of skill in the art would have no motivation to modify the teachings of Saisaka et al. with those of Igaue et al., Lawson and/or Foreman because the proposed modification would render the absorbent article of Saisaka et al. unsatisfactory for its intended purpose and/or change its principle operation. See MPEP §2143.01.

Saisaka et al. is directed to an absorbent article that has side liner portions "formed from a specific stretchable, moisture-permeable composite material." See col. 1, lines 9-11 of Saisaka et al. Saisaka et al. states that having these stretchable side liner portions is critical to providing an absorbent article with a satisfactory fit for the wearer, etc. See col. 13, lines 52-56. To have the side liner portions of the absorbent article stretchable, Saisaka et al. specifically teaches that the lower end portion of the barrier cuffs are turned inward and fixed between the liquid absorbent member 3 and the side liner sheet 22. See col. 10, lines 27-29; and Fig.5.

It is respectfully submitted that if the material of the barrier cuffs of Saisaka et al. were turned outward, as suggested in the Office Action by the combination with the teachings of Igaue et al., Lawson and/or Foreman, the stretchability of the side liner portions would be eradicated. In each of Saisaka et al. (col. 10, lines 14-29), Igaue et al. (col. 4, lines 49-52), Lawson (col. 9, lines 11-13) and Foreman (col. 13, lines 15-23), the material of the barrier cuff is not stretchable and is liquid impermeable. Thus, the

modification of Saisaka et al. set forth in the Office Action would render the absorbent article of Saisaka et al. unsatisfactory for its intended purpose of providing stretchable side liner portions.

Moreover, the teachings of Fig. 7 of Saisaka et al. do not alter this conclusion. Applicant wishes to note that Fig. 7 of Saisaka et al. is a cross-sectional view of Fig. 6. As shown in Fig. 6, the barrier cuffs are turned inward. As stated above, this is critical in forming the stretchable side liner portions of the absorbent article of Saisaka et al.

Therefore, it is respectfully submitted that any modification to the teachings of Saisaka et al. to turn the barrier cuffs outward would render the resultant absorbent article unsatisfactory the intended purpose of providing stretchable side liner portions. Accordingly, it is respectfully submitted that independent claims 1, 17 and 32 patentably distinguish over Saisaka et al.

Claims 2-16 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 18-31 depend either directly or indirectly from independent claim 17 and include all of the limitations found therein. Claims 33-48 depend either directly or indirectly from independent claim 32 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-16, 18-31 and 33-48 are likewise patentable.

In view of the foregoing, favorable consideration of the amendments to the abstract, favorable consideration of the amendments to claims 1, 11, 17 and 32, and

Application No. 10/612,601  
Amendment dated February 3, 2006  
After Final Office Action of October 4, 2005

Docket No.: A6605.0005

allowance of the present application with claims 1-48 is respectfully and earnestly solicited.

Dated: February 3, 2006

Respectfully submitted,

By Richard LaCava

Richard LaCava

Registration No.: 41,135

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant